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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/712,031 | 11/14/2003 | Naoko Iwami | TSM-34 | 7513 |

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EXAMINER

PORTKA, GARY J

ART UNIT PAPER NUMBER

2188

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,031

Applicant(s)

IWAMI ET AL.

Examiner

Gary J Portka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/4/03, 12/2/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-18 are presented for examination.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on December 4, 2003 and December 2, 2004 were considered by the examiner.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on August 6, 2003. It is noted, however, that applicant has not filed a certified copy of the 2003-206168 application as required by 35 U.S.C. 119(b).

Claim Objections

4. Claims 1, 6, 11-12, 14, and 18 are objected to because of the following informalities: In claim 1 lines 8-10 may be confusing, it is suggested to move the phrase "from one of said first controller and said second controller," to after the word "selects". This applies to claim 18 also. In claim 6, "the information" lacks proper antecedent basis. Claims 11 (at line 3), 12 (at line 4), and 14 (at line 4) misspell the words "reconfigure" and "inherits". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 12-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 12 and 14 each recite "means which

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inherits" and then "to another controller". It is not clear from the language whether the recited means takes control of the processing, whether the another controller takes control, and consequently whether the recited means comprises the another controller. That is, "inherits" means to come into possession of, so the language appears to first state that the means takes possession of the program, but then recites "to another controller". Claims 13 and 15 depend from 12 and 14 respectively and incorporate the limitations thereof.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Row et al., US 2002/0083111 A1.

9. As to claim 1, Row discloses a storage system comprising interface unit (110) connected to a computer (see Fig. 2), first controller which processes a file operation (112), second controller which processes read/write of data for storage (the controller for 116, everything except the array in Fig. 6), internal network (120) accessing these, wherein the interface unit selects a transfer destination of a frame and transfers it to the selected first or second controller (see Abstract, paras. 0028-0029, 0076, 0084, 0121,

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0128-0131, 0146, and 0149, which describe the network controller sends some data packets directly to memory 116, and LNFS commands are routed to file controller 112).

10. As to claim 18, Row discloses the invention as described above with regard to claim 1, considering the second interface unit to be the same as the second controller described there.

11. As to claims 2 and 7, in Row the first controller executes the read/write through the second as recited (see para. 0151, 0153).

12. As to claim 3, Row discloses a second interface connected to another storage (any other network controller or memory controller for 116 may be considered the interface).

13. As to claims 4, 8, and 16, in Row the first controller (file controller) executes the read/write as described above with regard to claim 2 for other memory 116 controllers.

14. As to claim 5, Row discloses plurality of first controllers (file controllers), the controller is inherently selected.

15. As to claims 6 and 9, in row the interface (network controller) must identify the file controller as recited in order to request a buffer allocated by the appropriate file controller, and thus also indicate correspondence to an interface port (see para. 0131).

16. As to claim 10, Row discloses plurality of interface units (110).

17. As to claims 11-15, Row discloses a management unit that reconfigures the destination, and changes processing during failure as recited, as in inherent in the host 118 which runs Unix and provides standard ONC network services as described at paras. 0089-0099.

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18. As to claim 17, in Row the second controller has cache and disk as recited when considering the second controller to include 116 and 114.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patent No:

6,850,955 Storage with SAN and NAS interfaces.

6,606,690 Accessing SAN as NAS.

6,125,428 Media apparatus with separate file control and data interfaces.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary J Portka whose telephone number is (571) 272-4211. The examiner can normally be reached on M-F 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (571) 272-4210. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary J Portka
Primary Examiner
Art Unit 2188

March 16, 2005